

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
TRUSTEES OF THE NEW YORK CITY
DISTRICT COUNSEL OF CARPENTERS
PENSION FUND, et al.,

Plaintiff,

22-cv-522 (PKC)

-against-

ORDER

ALITE FLOORING, LLC and ALITE FLOOR,
LLC, ALITE FLOOR, LLC,

Defendants.

-----x
CASTEL, U.S.D.J.

Plaintiff has patiently pursued delinquencies in defendants' document productions with follow-up notices and requests to meet and confer. No documents have been produced in response to multiple requests and no responses have been served to plaintiff's interrogatories. Plaintiff has raised these deficiencies to the Court in a comprehensive letter motion. (ECF 56.) Defendants' counsel wrote to the Court as follows: "Please be advised that the Defendants will not be submitting papers in opposition to Plaintiffs' June 22nd motion to compel." (ECF 57.)

The Court now rules as follows:

1. Defendant ALITE FLOORING, LLC shall produce all documents responsive to plaintiff's Requests Nos. 2, 4, 6, 9, 10, 11, 15, 16, 17 and 21 by August 1, 2023.
2. Defendant ALITE FLOOR, LLC shall produce all documents responsive to plaintiff's Request Nos. 1, 4, 7, 9, 13, 14, 15, 20 by August 1, 2023.

3. If either defendant is unable to locate documents responsive to the document requests outlined in paragraphs 1 and 2, then on August 1, 2023 it shall submit an affidavit by an officer, director, member or managing agent of the defendant or defendants with knowledge of its or their books and records stating that after a diligent search (and describing the search) no responsive documents in the particular category could be found.
4. If either defendant asserts that a document responsive to the categories outlined in paragraphs 1 and 2 above is protected by the attorney-client privilege or is attorney work product, then by August 1, 2023 it shall produce to plaintiff the information required by Local Civil Rule 26.2.
5. Defendants ALITE FLOORING, LLC and ALITE FLOOR, LLC shall respond to plaintiff's interrogatories by August 1, 2023.
6. **FAILURE TO FULLY COMPLY WITH THIS ORDER WILL RESULT IN THE IMPOSITION OF A SANCTION PURSUANT TO RULE 37, FED. R. CIV. P., INCLUDING BUT NOT LIMITED TO THE STRIKING OF DEFENDANT'S OR DEFENDANTS' ANSWERS AND THE ENTRY OF A DEFAULT JUDGMENT.**

Letter motion (ECF 56) is GRANTED.

SO ORDERED.

Dated: New York, New York
June 30, 2023


P. Kevin Castel
United States District Judge